

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HANS A. QUAAK, ATTILIO PO
and KARL LEIBINGER, on behalf of
themselves and those similarly situated,

Plaintiffs,

No.: 03-CV-11566 (PBS)

v.

DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendant.

STONINGTON PARTNERS, INC., a Delaware
Corporation, STONINGTON CAPITAL
APPRECIATION 1994 FUND L.P., a Delaware
Partnership and STONINGTON HOLDINGS,
L.L.C., a Delaware limited liability company,

No.: 04-CV-10411 (PBS)

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

GARY B. FILLER and LAWRENCE PERLMAN,
Trustees of the TRA Rights Trust,

Plaintiffs,

v.

No.: 04-CV-10477 (PBS)

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

JANET BAKER and JAMES BAKER,
JKBAKER LLC and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10501 (PBS)

REQUEST FOR SPECIAL ACTION PURSUANT TO LOCAL RULE 5.1(c)

PLAINTIFFS' EMERGENCY MOTION TO COMPEL DEPOSITIONS

Pursuant to Federal Rule of Civil Procedure 37(a) and Local Rules 37.1 and 5.1(c),

Plaintiffs in the above-referenced actions respectfully request that the Court enter an Order compelling Dexia to produce the following witnesses for their depositions on the dates agreed to by all counsel over two months ago:

Karl Van Riet – March 6-7, 2006
Philippe Steverlynck – March 8-9, 2006
Francois Saverys – March 10, 13, 2006
Alain Probst – March 14-15, 2006
Claude Piret – March 16-17, 2006

Given that these depositions are scheduled to commence in just over one week in Brussels, Belgium, Plaintiffs have filed this request as an emergency motion under Local Rule 5.1(c).

In support of this motion, Plaintiffs submit the accompanying Memorandum of Law and Declaration of Patrick T. Egan.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order compelling

Dexia to produce Messrs. Van Riet, Steverlynck, Saverys, Probst and Piret for their depositions on the dates long ago agreed to by counsel.

**Certification Under Federal Rule of Civil Procedure 37(a)(2)(b),
and Local Rules 7.1(a)(2) and 37.1(b)**

Pursuant to Federal Rule of Civil Procedure 37(a)(2)(b), and Local Rules 7.1(a)(2) and 37.1(b), the undersigned counsel hereby certify that on February 23, 2006, Counsel for Plaintiffs conferred via written correspondence with counsel for Dexia in a good faith attempt to resolve the dispute regarding the depositions noticed by Plaintiffs. The parties were unable to resolve their differences.

Request for Oral Argument

Pursuant to Local Rule 7.1(d), Plaintiffs respectfully requests the opportunity to present oral argument in support of the instant motion. Oral argument may assist the Court in the resolution of this motion.

Dated: February 24, 2006

Respectfully submitted,

BERMAN DEVALERIO PEASE
TABACCO BURT & PUCILLO

/s/ Patrick T. Egan

Glen DeValerio, BBO # 122010
Jeffrey C. Block, BBO #600747
Patrick T. Egan, BBO # 637477
(pegan@bermanesq.com)
One Liberty Square
Boston, MA 02109
Telephone: (617) 542-8300

SHALOV STONE & BONNER LLP

Lee S. Shalov
James P. Bonner
Patrick L. Rocco
485 Seventh Avenue, Suite 10000
New York, New York 10018
Telephone: (212) 239-4340

CAULEY BOWMAN CARNEY
& WILLIAMS PLLC

Allen Carney
11001 Executive Center Drive, Suite 200
Little Rock, Arkansas 722125438
Telephone: (501) 312-8500

**CO-LEAD COUNSEL TO
LEAD CLASS PLAINTIFFS**

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP

/s/ Avi Josefson

Max W. Berger
Steven B. Singer
Avi Josefson
(avi@lblglaw.com)
1285 Avenue of the Americas
New York, New York 10019
Telephone: (212) 554-1400

LOONEY & GROSSMAN LLP
Richard J. Grahm, BBO #206620
Charles P. Kindregan, BBO #554947
101 Arch Street
Boston, MA 02110
Telephone: (617) 951-2800

COUNSEL TO PLAINTIFFS
STONINGTON PARTNERS, INC.,
STONINGTON CAPITAL
APPRECIATION 1994 FUND L.P. AND
STONINGTON HOLDINGS L.L.C.

GREGORY P. JOSEPH LAW OFFICES LLC

/s/ Susan M. Davies

Gregory P. Joseph, N.Y. Atty Reg. #1645852
Susan M. Davies, N.Y. Atty Reg. #2413508
(sdavies@josephnyc.com)
805 Third Avenue, 31st Floor
New York, NY 10022
Telephone: (212) 407-1200

KOTIN, CRABTREE & STRONG
Amy C. Mainelli, BBO #657201
One Bowdoin Square
Boston, MA 02114
Telephone: (617) 227-7031

**COUNSEL TO PLAINTIFFS GARY B.
FILLER and LAWRENCE PERLMAN,
Trustees of the TRA Rights Trust**

PARTRIDGE, ANKNER & HORSTMAN LLP

/s/ Terence K. Ankner

Terence K. Ankner, BBO #552469
(tka@anknerlaw.com)
200 Berkeley Street, 16th Floor
Boston, MA 02116
Telephone: (617) 859-9999

BOIES SCHILLER & FLEXNER
Karen C. Dyer
George R. Coe
225 South Orange Avenue, Suite 905
Orlando, Florida 32801
Telephone: (407) 425-7118

REED SMITH LLP
Alan K. Cotler
Joan A. Yue
2500 One Liberty Place 1650 Market Street
Philadelphia, PA 10103
Telephone: (215) 851-8100

**COUNSEL TO PLAINTIFFS JANET
BAKER, JAMES BAKER, JKBAKER
LLC and JMBAKER LLC,**

CERTIFICATE OF SERVICE

I, hereby certify that on this 27th day of February, 2006, a true and correct copy of the foregoing was served via electronic means, upon counsel listed on the attached service list and also via U.S. Mail on counsel for Dexia Bank Belgium identified on the attached list.

/s/ George R. Coe

Service List

Attorneys for Baker Plaintiffs – 04-CV-10501

Terence K. Ankner
PARTRIDGE, ANKNER & HORSTMANN, LLP
200 Berkeley Street
16th Floor
Boston, MA 02116
Tel: (617) 859-9999
Fax: (617) 859-9998
tka@anknerlaw.com

Alan Cotler
Joan Yue
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-4301
Tel: (215) 851-8100
Fax: (215) 851-1420
acotler@reedsmit.com
jyue@reedsmit.com

Attorneys for the Class Plaintiffs – 03-CV-11566

Jeffery C. Block
Patrick T. Egan
BERMAN, DEVALERIO, PEASE, TABACCO, BURT & PUCILLO
One Liberty Square
Boston, MA 02109
Tel: (617) 542-8300
Fax: (617) 542-1194
jblock@bermanesq.com
pegan@bermanesq.com

Curtis L. Bowman
Allen Carney
CAULEY, BOWMAN CARNEY & WILLIAMS, PLLC
P.O. Box 25438
Little Rock, AR 72221
Tel: (501) 312-8500
Fax: (501) 312-8505
cbowman@cauleybownman.com
acarney@cauleybownman.com

Patrick L. Rocco
SHALOV, STONE & BONNER
485 7th Avenue
Suite 1000
New York, NY 10018
Tel: (212) 239-4340
Fax: (212) 239-4310
procco@lawssb.com

Attorneys for Filler Plaintiffs – 04CV-10477

Gregory P. Joseph
Susan M. Davies
GREGORY P. JOSEPH LAW OFFICES, LLC
805 Third Avenue, 31st Floor
New York, NY 10022
Tel: (212) 207-1210
Fax: (212) 407-1274

gjoseph@josephnyc.com
sdavies@josephnyc.com

Nicholas Kelley
KOTIN, CRABTREE & STRONG, LLP
One Bowdoin Square
Boston, MA 02114-2925
Tel: (617) 227-7031
Fax: (617) 367-2988
kcs@kcslegal.com

Attorneys for Stonington Plaintiffs – 04-CV-10411

Steve Singer
Javier Bleichmar
BERNSTEIN, LITOWITZ, BERGER & GROSSMAN, LLP
1285 Avenue of the Americas
New York NY 10019
Tele: (212) 554-1400
Fax: (212) 554-1444
steven@blbglaw.com
javier@blbglaw.com

Charles P. Kindregan
LOONEY & GROSSMAN LLP
101 Arch Street
Boston, MA 02110
Tel: (617) 951-2800
Fax: (617) 951-2819
ckindregan@lgllp.com

Attorneys for Defendant Dexia Bank Belgium

Peter M. Saparoff
Breton T. Leone-Quick
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, PC
One Financial Center
Boston, MA 02111
Tel: (617) 542-6000
Fax: (617) 542-2241
psaparoff@mintz.com
bleone-quick@mintz.com

James B. Weidner
Jeff Butler
Amber C. Wessels
CLIFFORD CHANCE US LLP
31 West 52nd Street
New York, NY 10019-6131
Tel: 212-878-8000
Fax: 212-878-8375
James.Weidner@cliffordchance.com
Jeff.Butler@cliffordchance.com
Amber.Wessels@cliffordchance.com